

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION

NANCY BIGGERSTAFF,)
)
Plaintiff,)
)
v.) No. 2:11 CV 68 SNLJ / DDN
)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
)
Defendant.)

REPORT AND RECOMMENDATION

This matter is before the court upon the motion of defendant Commissioner of Social Security to remand (Doc. 12). The action was referred to the undersigned United States Magistrate Judge for review and a recommended disposition under 28 U.S.C. § 636(b). (Doc. 4.)

On September 23, 2011, plaintiff Nancy Biggerstaff commenced this action for judicial review of the final decision of defendant Commissioner of Social Security denying her application for supplemental security income under Title XVI of the Social Security Act, 42 U.S.C. § 1382. (Doc. 2.) On November 23, 2011, the Commissioner filed his answer and a certified transcript. (Doc. 9.) On December 12, 2011, plaintiff filed her brief in support of her complaint. (Doc. 11.)

On January 9, 2012, the Commissioner moved to remand the action for further review. (Doc. 12.) The Commissioner states that upon remand, the Appeals Council will remand the case to an Administrative Law Judge who will be instructed to reevaluate the record, not rely on the opinion of a single non-physician decision maker, and obtain additional vocational expert testimony if necessary. (Id.)

Plaintiff does not object to the Commissioner's motion. (Doc. 13.)
Therefore,

IT IS HEREBY RECOMMENDED that the motion of defendant Commissioner of Social Security to reverse and remand this action (Doc. 12) be sustained.

IT IS FURTHER RECOMMENDED that this action be reversed and remanded to the Commissioner of Social Security under Sentence Four of section 205(g), 42 U.S.C. § 405(g), for further proceedings in which the

Administrative Law Judge shall reevaluate the record, not rely upon the opinion of a single non-physician decision maker, and obtain additional vocational expert testimony if necessary.

/S/ David D. Noce
UNITED STATES MAGISTRATE JUDGE

Signed on January 18, 2012.